IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Contempt Petition No. 64 of 2006

Ajay Durga
C/o H.C. Jauhari
A-50 Shivalik Nagar
Haridwar (Uttaranchal).....Applicant/Petitioner

Versus

M/s Uptron India Ltd
10 Ashoka Marg, Lucknow` .....Respondent

Shri Lalit Tewari, learned counsel for the petitioner.
Shri D.S. Patni, learned counsel for the respondent.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the parties.

2. This contempt petition has been filed complaining disobedience of order dated 30.12.2003, passed in writ petition No. 2487 of 2001 (M/S). From the counter affidavit, filed by the respondent, it is clear that earlier twice the contempt petitions were moved by the petitioner and the same have been dismissed finally. This is the third contempt petition, which is barred by Section 20 of Contempt of Courts Act, 1971, as such the same is not maintainable.

3. By the order dated 30.12.2003 passed in writ petition No. 2487 (M/S) of 2001, Labour Court's award in favour of the petitioner Ajay Durga appears

to have been upheld. The applicant has a remedy to get the award executed through the Labour Court.

4. In the above circumstances, as the contempt petition is barred by time, the same is dismissed as barred by time with the observation that the applicant has a liberty to seek execution of the award of the Labour Court before proper forum.

(Prafulla C. Pant, J.)

Dt: 01.08.2006

Sweta